

REMARKS

Claims 1 and 3-14 are pending in this application, of which claims 1 and 12 are independent. Favorable reconsideration and further examination in view of the foregoing amendments and following remarks.

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,583,870 (Delprat). As shown above, Applicant has amended claim 1 to recite a method of measuring transmission characteristics of radio channels wherein the base stations in the radio communications system transmit corresponding channel measurement sequences at substantially constant power levels and at substantially a same time. The applied reference is not understood to disclose or to suggest at least this feature of claim 1.

In this regard, page 3 of the Office Action states:

Menzel does not disclose that the channel measurement sequence is transmitted using at least one of (i) a constant power level and (ii) a number of base stations at the same time.

But, Menzel is not cited elsewhere in the Office Action. Applicant therefore assumes that the Examiner meant to acknowledge a deficiency of Delprat, and not of Menzel. In this regard, if Delprat does not disclose using at least one of (i) a constant power level and (ii) a number of base stations at the same time, it certainly could neither disclose nor suggest a method of measuring transmission characteristics of radio channels where the base stations in the radio communications system transmit corresponding channel measurement sequences at substantially constant power levels and at substantially a same time, as recited in claim 1.

On page 4, the Office Action relies on U.S. Patent No. 6,125,125 (Narasimha) for its alleged disclosure of "a method of transmitting the channel measurement sequence . . . using (ii) a number of base stations at the same time." However, Narasimha neither discloses nor suggests both transmitting corresponding channel measurement sequences at substantially constant power levels and at substantially a same time, as recited in claim 1.

Narasimha is directed to synchronizing TDMA cell sites. As described by Narasimha, the base transceiver stations "are programmed to have the particular time frame event such as the frame emission time or the training sequence start at the same time relative to the GPS signal, all of the nodes will be in substantial timing synchronization. . . . [T]he training sequences . . . from

all transmitters operating on the same channel will be received by the mobile unit 16 at virtually the same time . . . to ensure that minimal portions of the voice information are lost in [a] handoff" (column 4, line 58 to column 5, line 1; column 5, lines 18-19). Thus, Narasimha describes a mobile unit **receiving** training sequences at the same time. Applicant submits that same-time-reception of a training sequence is not equivalent to the channel measurement sequences of claim 1 being **transmitted** at the same time. Even if the two were equivalent (a point that Applicant does not concede), Narasimha does not disclose or suggest that its training sequences are transmitted at substantially constant power levels.

Applicant submits that the method of claim 1, in which the base stations in the radio communications system transmit corresponding channel measurement sequences at substantially constant power levels and at substantially a same time is an improvement over Narasimha because the method reduces information loss during handoff. In this regard, while the transmit power of a base station may be different from that of another, the transmit power of each base station is substantially constant. Since the base stations transmit at a substantially constant transmit power levels, the mobile station has a reference from which it can calculate its position within the network to determine which base station would be most appropriate for a relatively quick and relatively efficient handoff.

Even where the base stations transmit at the same time, as allegedly disclosed in Narasimha, if the transmit power of each base station is not substantially constant, the mobile station must still account for changes in power level over time, thereby rendering the handoff less efficient. Narasimha does not describe, and would not have rendered obvious, either this problem or Applicant's solution as presented in claim 1.

For at least these reasons, Applicant submits that claim 1 is allowable over these references. Claim 12 is an apparatus claim that uses the method of claim 1, and is therefore patentable over these references for at least the same reasons.

Each of the dependent claims is also believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, all dependent claims have not be discussed specifically herein.

It is believed that all of the pending claims have been addressed. The absence, however, of a reply to a specific rejection, issue or comment does not signify agreement with or

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concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.


In view of the foregoing remarks, Applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney can be reached the address shown below. All telephone calls should be directed to the undersigned at 617-956-5937.

Enclosed is a \$120 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050 referencing Attorney Docket Number 12758-020001.

Respectfully submitted,

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